



**REPLY UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
GROUP ART UNIT 1636**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
LUBITZ, et al.

Appln. No.: 09/147,693

Filed: February 17, 1999

Examiner: W.O. SANDALS

Group Art Unit: 1636

Attorney Dkt. No.: 2923-308

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NOV 06 2003

TECH CENTER 1600/2900

For: NEW SYSTEMS FOR THE REGULATION OF GENE EXPRESSION

AMENDMENT UNDER 37 C.F.R. 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 3, 2003

Dear Sir:

This Amendment is being submitted in response to the June 3, 2003 Final Office Action issued by the Examiner in connection with the above-identified application. A petition for a two-month extension of time extending the due date for response to November 3, 2003 accompanies this Amendment. Accordingly, this Amendment is being timely filed and Applicants respectfully request its entry.

Please amend the above-identified application as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 10 of this paper.

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AP#



**FEE TRANSMITTAL
for FY 2003
(Small Entity)**

		<i>Complete if Known</i>	
		Application Number	09/147,693
		Filing Date	February 17, 1999
		First Named Inventor	LUBITZ et al.
		Examiner Name	W.O. Sandals
		Group Art Unit	1636
Total Amount of Payment	(\$ 210.00)	Attorney Docket Number	2923-308

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- Applicant claims small entity status.
2. Payment Enclosed:
 - Check
 - Credit Card

FEE CALCULATION

1. FILING FEE

Fee	Fee	Fee Description	Fee Paid
Code	\$		
2001	385	Utility filing fee	[]
2002	170	Design Filing Fee	[]
2003	265	Plant Filing Fee	[]
2004	385	Reissue Filing Fee	[]
2005	80	Provisional Filing Fee	[]

SUBTOTAL \$

2. CLAIMS

Total Claims	Independent Claims	Extra Claims	Fee	Fee Paid
[]	- 20** = []	x \$ 9 = []		
Independent Claims	[]	- 3** = []	x 43 = []	
Multiple Dependent Claims	[]	+ 145 = []		

**or number previously paid, if greater;

SUBTOTAL \$

**Corres. and Mail
BOX AF**

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee	Fee	Fee Description	Fee Paid
Code	Paid		
2051	65	Surcharge - late filing fee or oath	[]
2052	25	Surcharge - late provisional filing fee or cover sheet	[]
1053	130	Non-English specification	[]
1812	2,520	For filing a request for reexamination	[]
1804	920	Requesting publication of SIR prior to Examiner action	[]
1805	1,840*	Requesting publication of SIR after Examiner action	[]
2251	55	Extension for reply within first month	[]
2252	210	Extension for reply within second month	210 []
2253	475	Extension for reply within third month	[]
2254	740	Extension for reply within fourth month	[]
2255	1,005	Extension for reply within fifth month	[]
2401	165	Notice of Appeal	[]
2402	165	Filing a brief in support of an appeal	[]
2403	145	Request for Oral Hearing	[]
1451	1,510	Petition to institute a public use proceeding	[]
2452	55	Petition to revive -unavoidable	[]
2453	475	Petition to revive - unintentional	[]
2501	665	Utility issue fee (or reissue)	[]
2502	240	Design issue fee	[]
2503	320	Plant issue fee	[]
1460	130	Petitions to the Commissioner	[]
1807	50	Processing fee under 37 CFR 1.17(q)	[]
1806	180	Submission of Information Disclosure Statement	[]
8021	40	Recording each patent assignment per property (times number of properties)	[]
2809	385	Filing a submission after final rejection (37 CFR .129(a))	[]
2810	385	For each additional invention to be examined (37 CFR 1.129(b))	[]
2801	385	Request for Continued Examination (RCE)	[]
1802	900	Request for expedited examination of a design application	[]
1504	300	Publication fee for early, voluntary, or normal publication	[]
1505	300	Publication fee for republication	[]
1455	200	Filing an application for patent term adjustment	[]
1456	400	Request for reinstatement of term reduced	[]
Other fee (specify)			

11/04/2003 RHARIS1 00000099 09147693

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210.00 0P

* Reduced by Basic Filing Fee Paid

SUBTOTAL

\$210

SUBMITTED BY				Complete (if applicable)	
NAME AND REG. NUMBER	Patrick T. Skacel, Reg. No. 47,948				
SIGNATURE		DATE	November 3, 2003	DEPOSIT ACCOUNT USER ID	